

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.972 of 2017
Date of Decision: 27.02.2017

ShamsherPetitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amardeep Hooda, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G, Haryana.

RAJ MOHAN SINGH, J.(ORAL)

Petitioner seeks regular bail in FIR No.585 dated 07.10.2016 registered under Sections 398/401 IPC and Section 25-54-59 of Arms Act at Police Station Meham, Rohtak.

The FIR was registered on the basis of secret information to the effect that the petitioner and co-accused were trying to loot the vehicles by obstructing them on the road. Raiding party was constituted by applying mud on the police tag. Three young boys duly armed with pistol, iron rod and pistol were found standing on the road. Two boys came towards the vehicle of the police. The boy having pistol came towards conductor side and second boy who was holding iron rod came towards driver side. The third boy remained standing, holding

the pistol behind the motorcycle. The police after giving signals arrested the boy having pistol in his hand as well as boy having iron rod. Third boy succeeded in running from the spot on his motorcycle. On being asked, name of the petitioner came to be known as Shamsheer @ Bholu who was holding iron rod in his hand. Name of the third boy who ran away from the spot came to be known as Sandeep.

Learned State counsel on instructions from ASI Harbans Singh states that Sandeep is still at large and proceedings regarding declaring him as proclaimed offender are still pending.

As per recovery memo, iron rod measuring 34 cms has been recovered from the petitioner. There is no antecedent behavior of any criminal activity of the petitioner in the past as verified by learned State counsel on instructions from the Investigating Officer.

Petitioner is in custody since 07.10.2016.

It would be debatable as to whether offence in question in the light of Section 401 IPC would be attracted.

In view of aforesaid, without commenting anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

27.02.2017
jjyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No